

DETAILED ACTION

1. Applicant's amendment, filed 10/18/05 is acknowledged.

Claims 155-220 are pending.

Restriction

2. Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted:

I. Claim 158 are drawn to a method of increasing the functionality of bone marrow of a patient, comprising disrupting sex steroid – mediated signaling, wherein said disruption is surgical castration.

II. Claim 158-160 are drawn to a method of increasing the functionality of bone marrow of a patient, comprising disrupting sex steroid – mediated signaling, wherein said disruption is chemical castration.

III. Claims 179-181 are drawn to a method for treating the risk of a diseases, wherein a disease is caused by a virus.

IV. Claims 182-184 are drawn to a method for treating the risk of a diseases, wherein a disease is caused by a bacterium

V. Claims 185,186 are drawn to a method for treating the risk of a diseases, wherein a disease is caused by a parasite.

VI. Claims 187-188 are drawn to a method for treating the risk of a diseases, wherein a disease is caused by a fungus.

VII. Claims 189-190 are drawn to a method for treating the risk of a diseases, wherein a disease is caused by a cancer.

VIII. Claims 191-192 are drawn to a method for treating the risk of a diseases, wherein a disease is caused by an allergies.

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IX. Claim 202 is drawn to a method of increasing the functionality of immune cells of a patient, comprising disrupting sex steroid – mediated signaling, wherein said disruption is surgical castration.

X. Claim 202-207 are drawn to a method of increasing the functionality of immune cells of a patient, comprising disrupting sex steroid – mediated signaling, wherein said disruption is chemical castration.

3. Claims 155,157 and 164-176 link inventions of Groups I and II; claims 177, 178, 193-197 links inventions of Groups III-VIII; claims 198-201 and 208-220 link the invention of Group IX and X. The restriction requirement between the linked inventions is subject to the nonallowance of the linking claim(s), claims 155,157 and 164-176; 177, 178, 193-197; 198-201 and 208-220. Upon the allowance of the linking claim(s), the restriction requirement as to the linked inventions shall be withdrawn and any claim(s) depending from or otherwise including all the limitations of the allowable linking claim(s) will be entitled to examination in the instant application. Applicant(s) are advised that if any such claim(s) depending from or including all the limitations of the allowable linking claim(s) is/are presented in a continuation or divisional application, the claims of the continuation or divisional application may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application. Where a restriction requirement is withdrawn, the provisions of 35 U.S.C. 121 are no longer applicable. *In re Ziegler*, 44 F.2d 1211, 1215, 170 USPQ 129, 131-32 (CCPA 1971). See also MPEP § 804.01.

4. The inventions listed as Groups I-X do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

As was also found in the International Search Report, the Invention of Group I was found to have no special technical feature that defined the contribution over the prior art of WO 0062657.

WO'657 teaches a method of increasing the functionality of the bone marrow of the patient comprising disrupting sex steroid-mediated signaling in the patient.

Since Applicant's Inventions do not contribute a special technical feature when viewed over the prior art they do not have a single general inventive concept and so lack unity of invention.

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5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 C.F.R. § 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a diligently-filed petition under 37 C.F.R. § 1.48(b) and by the fee required under 37 C.F.R. § 1.17(h).

6. Applicant is advised that the response to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michail Belyavskyi whose telephone number is 571/ 272-0840. The examiner can normally be reached Monday through Friday from 9:00 AM to 5:30 PM. A message may be left on the examiner's voice mail service. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen O'Hara can be reached on 571/ 272-0878 .

The fax number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Michail A Belyavskyi/
Primary Examiner, Art Unit 1644